

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CORINNE HILE GRABILL,
as next friend of R.C., a minor,

Plaintiff,

v.

WALMART, INC.,
WAL-MART STORES EAST, LP,
and STANLEY GORMAN,

Defendants.

Case No. 5:20-CV-06163-DGK

ORDER REMANDING CASE FOR LACK OF JURISDICTION

This case involves claims under Mo. Rev. Stat. § 213.055 against Defendants Walmart, Inc., and Walmart Stores East, L.P. (“Walmart Defendants”) for unlawful employment practices stemming from sexual harassment Plaintiff R.C. faced during her employment with Walmart. This case also involves a claim for assault and battery against Plaintiff R.C.’s coworker, Stanley Gorman, for allegedly sexually harassing Plaintiff.

Now before the Court is Plaintiff’s Motion for Remand.¹ ECF No. 29. Plaintiff initially filed this case in the Circuit Court of Buchanan County, Missouri. Because Plaintiff was unaware of Defendant Gorman’s identity at the time of filing, Plaintiff’s complaint named a John Doe defendant. ECF No. 1-1. The Walmart Defendants timely removed the case to this Court based on diversity jurisdiction. ECF No. 1. Plaintiff learned Defendant Gorman’s identity during discovery and filed an amended complaint naming Defendant Gorman. ECF No. 28. Plaintiff and Defendant Gorman are both citizens of the state of Missouri. *Id*; Return of Service, ECF No. 32.

¹ None of the Defendants responded to Plaintiff’s motion.

Under this Court's diversity jurisdiction, 18 U.S. § 1332(a)(1), it may only hear cases when the parties are completely diverse, meaning that no defendant is a citizen of the same state as any plaintiff. *Strawbridge v. Curtiss*, 7 U.S. 267, 267 (1806). Here, because Plaintiff and Defendant Gorman are both citizens of the state of Missouri, the parties are not completely diverse. This lack of complete diversity between the parties strips this Court of jurisdiction. This case is therefore REMANDED.

IT IS SO ORDERED.

Date: June 4, 2021

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT